

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5809 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

The State of Maharashtra .. Applicant.

V/s.

Shri Jayantibhai Amichand Mehta & Anr. .. Respondents.

Mrs. A.S. Pai, APP for Respondent - State.

Mr. D.A. Nalawade for the Respondents.

**CORAM : D. G. DESHPANDE &
S. A. BOBDE, JJ.**

DATED : 24th JULY , 2006.

P.C.:

1. Heard Mrs. Pai, the learned counsel for the Applicant State and the learned Advocate for the Respondents.

2. The accused was convicted by the Trial Court for the offence under section 409 read with section 34 of the IPC for three months. The Sessions Court has acquitted him on the ground that there is no proof of entrustment. Admittedly, there is no documentary evidence with the complainant though one general patrak was tendered in the evidence but that has not been exhibited. The oral evidence about entrustment has been

disbelieved by the Sessions Court, wherein we do not find any reason to interfere.

3. Hence, leave refused. Appeal is dismissed.

(D.G.DESHPANDE, J)

(S.A. BOBDE, J)

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